

<b>TO:</b> Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	<b>REPORT ON THE          FILING OR DETERMINATION OF AN          ACTION REGARDING A PATENT OR          TRADEMARK</b>
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been  
 filed in the U.S. District Court Connecticut on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. 3:08cv403 AWT	DATE FILED 3/17/2008	U.S. DISTRICT COURT District of Connecticut
PLAINTIFF Fuel Communications Solutions Inc		DEFENDANT Oil Equipment Mfg LLC et al
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,292,993		See Copy of Complaint (Attached)
2		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
<i>— see attached copy of order dismissing filed 7/8/08.</i> <i>— case closed</i>

CLERK Robin D. Tabora	(BY) DEPUTY CLERK <i>A. M. [Signature]</i>	DATE 7/8/08 3/17/08
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director  
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

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Subject:Activity in Case 3:08-cv-00403-AWT Fuel Communications Solutions Inc  
v. Oil Equipment Mfg LLC et al Order

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## U.S. District Court

### United States District Court for the District of Connecticut

#### Notice of Electronic Filing

The following transaction was entered on 7/8/2008 at 2:02 PM EDT and filed on 7/8/2008

**Case Name:** Fuel Communications Solutions Inc v. Oil Equipment Mfg LLC et al

**Case Number:** 3:08-cv-403

**Filer:**

**Document Number:** 16(No document attached)

#### Docket Text:

**ORDER: The Notice of Dismissal without Prejudice [15] is hereby APPROVED. This action is hereby DISMISSED without prejudice. It is so ordered. Signed by Judge Alvin W. Thompson on 7/3/08. (Smith, S.)**

**3:08-cv-403 Notice has been electronically mailed to:**

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**3:08-cv-403 Notice has been delivered by other means to:**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT

FUEL COMMUNICATIONS SOLUTIONS, INC., )

Plaintiff, )

v. )

OIL EQUIPMENT MANUFACTURING LLC; )

HMP INDUSTRIES, INC.; )

EINAR GUDJOHNSEN; )

DUNRAVEN SYSTEMS LTD.; )

MARPLAT, INC.; )

W.P. HANEY COMPANY, INC.; )

ADDITIONAL JOHN DOES )

Defendants. )

Civil Action No. 3:08cv403(AWT)

**JURY DEMAND**

**COMPLAINT FOR INFRINGEMENT OF PATENT**

Plaintiff for its complaint against Defendants, alleges as follows:

The Parties

1. Plaintiff, Fuel Communications Solutions, Inc. ("FCS") is a Connecticut corporation having a principal place of business at 500 East Main Street, Suite 208, Branford, Connecticut 06405.

2. Defendant, Oil Equipment Manufacturing LLC ("OEM") is a Connecticut corporation having a principal place of business at 4 Hershey Drive, Ansonia, Connecticut 06401.

3. Defendant, HMP Industries Inc. ("HMP") is a Connecticut corporation having a principal place of business at 4 Hershey Drive, Ansonia, Connecticut 06401.

4. Defendant, Einar Gudjohnsen ("Gudjohnsen") is an individual residing at 343 Sperry Road, Bethany, CT 06524.

5. Defendant, DunRaven Systems ("DunRaven") is an Ireland corporation having a principal place of business at Brookville Business Park, Dundalk, Co. Louth, Ireland.

6. Defendant, Marplat Inc. ("Marplat") is a New York corporation with a principal place of business at 298 Montrose Road, Westbury, NY 11590.

7. Defendant W.P. Haney Company, Inc. ("W.P. Haney") is a Massachusetts corporation with a principal place of business at 51 Norfolk Avenue, South Easton, MA 02375.

8. Upon information and belief, John Does ("Does") are companies, partnerships and persons distributing, selling and offering for sale the infringing products in this District. The identities of the Does will be added after discovery from Defendants OEM, HMP and Gudjohnsen.

#### Jurisdiction and Venue

9. This action is for damages and injunctive relief from patent infringement by Plaintiff, and arises under the United States Patent Laws, particularly 35 U.S.C. §271 et seq.

10. This Court has subject matter jurisdiction based on 28 U.S.C. §1331 and 1338(a).

11. Venue is proper and based on 28 U.S.C. §1391(b), 1391(c), and/or 1400(b).

12. This Court has personal jurisdiction over the Defendant OEM because it has a principal place of business in Connecticut.

13. This Court has personal jurisdiction over the Defendant HMP because it has a principal place of business in Connecticut.

14. This Court has personal jurisdiction over the Defendant Gudjohnsen because he resides in Connecticut.

15. This Court has personal jurisdiction over the Defendant DunRaven because DunRaven has transacted business by selling products and/or services in the District of Connecticut.

16. This Court has personal jurisdiction over Defendant Marplat because, upon information and belief, Marplat has transacted business by selling products and/or services in the District of Connecticut.

17. This Court has personal jurisdiction over Defendant W.P. Haney because, upon information and belief, W.P. Haney has transacted business by selling products and/or services in the District of Connecticut.

#### Patent Infringement

18. Plaintiff FCS is the owner of the entire right, title and interest in and to United States Patent No. 7,292,993 ("the '993 patent"), entitled "System For Remotely Managing Bulk Product Storage", which was duly and legally issued by the United States Patent and Trademark Office on November 6, 2007 and is assigned to FCS. A copy of the patent is attached as Exhibit A.

19. Defendant OEM has been and still is infringing one or more claims of the '993 patent by manufacturing, distributing, using, offering for sale and selling petroleum tank

accessories and specialty products, specifically the VisiTank™ tank level monitoring system, without the authorization of the Plaintiff, as, based on Plaintiff's understanding and review of the operation of the VisiTank™ system, it includes each and every claim limitation of and therefore literally infringes each of claims 1-5, 7-8, 10-13 and 15-18 of the '993 patent corresponding to claims 1, 2, 4-6, 9-10, 24-25, 27, 30 and 32-35 of U.S. Patent Application Serial No. 10/072,503 that became the '993 patent.

20. Defendant HMP has been and still is infringing one or more claims of the '993 patent by manufacturing, distributing, using, offering for sale and selling petroleum tank accessories and specialty products, specifically the VisiTank™ tank level monitoring system, without the authorization of the Plaintiff.

21. Defendants OEM and HMP have been and still are actively inducing others to infringe one or more claims of the '993 patent through their sale of the VisiTank™.

22. Defendants OEM and HMP have been and still are contributorily infringing one or more claims of the '993 patent through its sale of the VisiTank™.

23. Defendants OEM and HMP's infringement, inducement of infringement, and contributory infringement has been and continues to be willful.

24. Defendant Gudjohnsen has been and still is, as a corporate officer of OEM, actively inducing others to infringe by actively aiding and abetting the infringement of one or more claims of the '993 patent.

25. Defendant Gudjohnsen's inducement of infringement has been and continues to be willful.

26. Defendant DunRaven has been and still is contributorily infringing one or more claims of the '993 patent by offering to sell, selling and importing into the United States components constituting a material part of petroleum tank accessories and specialty products, specifically the VisiTank™ tank level monitoring system, knowing that such components are especially made or adapted for use with the VisiTank™ tank level monitoring system and are not a staple article or commodity of commerce suitable for suitable for noninfringing use.

27. Upon information and belief, Defendants Marplat, W.P. Haney and Does have been and still are infringing one or more claims of the '993 patent by distributing, using, offering for sale and selling petroleum tank accessories and specialty products, specifically the VisiTank™ tank level monitoring system, without the authorization of the Plaintiff.

28. Plaintiff has been damaged by loss of sales and customers by Defendants' infringement of the '993 patent, and claim all damages, including but not limited to reasonable royalties, to which it is entitled.

29. The harm to Plaintiff resulting from the infringing acts of Defendants is irreparable, continuing, not fully compensable by money damages and will continue unless enjoined by this Court.

### **JURY DEMAND**

Plaintiff demands a jury on all issues so triable.

### **PRAYER FOR RELIEF**

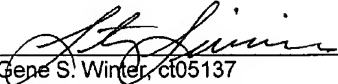
**WHEREFORE**, Plaintiff prays for judgment as follows:

- A. That a permanent injunction be entered against the Defendants, their officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with Defendants who receive actual notice of the injunction by personal service or otherwise, from any further infringement of the '993 patent pursuant to 35 U.S.C. § 283;
- B. That Plaintiff be awarded their damages, suffered by reason of the infringements by Defendants, together with prejudgment interest;
- C. That the damages awarded to Plaintiff be trebled pursuant to 35 U.S.C. § 284 due to the willful acts of infringement complained of herein;
- D. That this be declared an exceptional case pursuant to 35 U.S.C. § 285;
- E. That Plaintiff be awarded their attorneys fees and costs; and
- F. That Plaintiff be awarded any other and further relief that this Court may deem just and proper.



Respectfully submitted,

Date: 3/14/08

  
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